

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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JAMES GILLIAM, Individually And On Behalf Of  
All Others Similarly Situated,

Plaintiff,

vs.

FIDELITY MANAGEMENT AND RESEARCH  
COMPANY, et al.,

Defendants.

Civil Action No. 04cv11600 (NG)

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BOGATIN FAMILY TRUST, Individually And On  
Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

FIDELITY MANAGEMENT AND RESEARCH  
COMPANY, et al.,

Defendants.

Civil Action No. 04cv11642 (NG)

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CYNTHIA A. BENNETT and GUY E. MILLER,

Plaintiffs,

vs.

FIDELITY MANAGEMENT AND RESEARCH  
COMPANY, et al.,

Defendants.

Civil Action No. 04cv11651 (MLW)

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**NOTICE OF PENDING MOTIONS IN RELATED CASES:  
PLAINTIFFS' MOTION FOR APPOINTMENT OF TRI-LEAD  
COUNSEL AND APPOINTMENT OF LIAISON COUNSEL  
AND MOTION FOR CONSOLIDATION**

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GHASSAN J. AWALI et al., Individually And On  
Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

FIDELITY MANAGEMENT AND RESEARCH  
COMPANY, et al.,

Defendants.

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WILLIAM S. GROESCHEL, Individually And On  
Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

FIDELITY MANAGEMENT AND RESEARCH  
COMPANY, et al.,

Defendants.

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NANCY HAUGEN, MICHAEL F. MAGNAN,  
KAREN L. MAGNAN, ROSE M. IANNACCONE,  
PRESLEY C. PHILLIPS, ANDREA M. PHILLIPS,  
and CINDY SCHURGIN, for the use and benefit of  
FIDELITY MAGELLAN AND FIDELITY  
CONTRAFUND,

Plaintiffs,

vs.

FIDELITY MANAGEMENT AND RESEARCH  
COMPANY, et al.,

Defendants.

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Civil Action No. 04cv11709 (JLT)

Civil Action No. 04cv11735 (GAO)

Civil Action No. 04cv11756 (MLW)

DAVID O. FALLERT, Individually And On Behalf )  
Of All Others Similarly Situated, )

Plaintiff,

VS.

FIDELITY MANAGEMENT AND RESEARCH  
COMPANY, et al.,

Defendants.

Civil Action No. 04cv11812 (JLT)

Plaintiffs James Gilliam, Bogatin Family Trust, William S. Groeschel, Ghassan J. Awali, Marina Berti, Valerie A. Daspit, Arthur G. Denker, Randall C. Heyward, Stanley H. Krupa, Nicole Lenzi, David M. Lucoff, Joseph F. Martingano, Michael S. Mendolia, Patricia K. Munshaw, Brian D. Reese, Jay J. Rupp, Gilbert P. Travis, Jewel R. Travis and David O. Fallert (“Plaintiffs”), by their counsel, hereby notify this Court that the seven above-entitled cases are related (and were previously pending before Judge Stearns who has recused himself) and that two motions related to all seven cases are currently pending in the lowest numbered case (Gilliam, et al v. Fidelity Investments et al, 04-11600 NG).

The first Motion, filed on September 1, 2004 (Number 2 on the Gilliam docket), is a Motion for an Order (attached thereto) approving Plaintiffs’ selection of: (i) Milberg Weiss Bershad & Schulman LLP, Stull, Stull & Brody and Scott + Scott LLC as Tri-Lead Counsel to oversee the above-captioned actions; and (ii) Moulton & Gans, P.C. as Liaison Counsel. In support of that Motion, Plaintiffs submitted a Memorandum of Law, a Declaration, and [Proposed] Pretrial Order No. 2 For Appointment Of Tri-Lead Counsel And Appointment Of Liaison Counsel.

The second Motion (Number 6 on the Gilliam docket), also filed September 1, 2004, is a motion for entry of an Order (attached thereto): (i) consolidating the above-captioned actions, which have all been filed in the District Court of Massachusetts; and (ii) establishing a briefing schedule regarding a consolidated complaint. In support of that Motion, Plaintiffs submitted a Memorandum of Law and [Proposed] Pretrial Order No. 1 For Consolidation.

Other parties have filed Oppositions and other responses to the two Motions (See Docket #s 11-16 in Gilliam).

Dated: November 17, 2004

Respectfully submitted,

**MOULTON & GANS, P.C.**

By: /s/ Nancy Freeman Gans  
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Joseph F. Martingano, Michael S. Mendolia,  
Patricia K. Munshaw, Brian D. Reese, Jay J.  
Rupp, Gilbert P. Travis, Jewel R. Travis and David  
O. Fallert*

**CERTIFICATE OF SERVICE**

I, Nancy Freeman Gans, hereby certify that I served a copy of the foregoing document upon counsel for all parties by mailing a copy of same, postage prepaid, to each attorney of record, this 17th day of November, 2004.

/s/ Nancy Freeman Gans  
Nancy Freeman Gans